

### Letter O-6- EHL Dan Silver

**O-6-1** The comment provides introductory information to the commenter and background information on the proposed Project that does not raise any issue or make any substantive comment with regard to the adequacy of the DEIR. GHG emissions and climate change are discussed in Section 3.8 of the EIR and Response to Comment A-4, O-1, O-15, and O-14. Fire Safety is addressed in Section 2.6 and Appendix C-21 of the EIR, as well as Global Responses 3: Travel Time and Standard Methodology, 4: Fire Service Provision, and 5: Determining Adequacy of Response/NFPA 1710, and Response to Comment A-4, O-1, and O-15. Water supply and drought conditions are discussed in Section 3.7 of the EIR and Response to Comments A-3, A-4, A-6, O-1, O-3, O-15, and O-14. For that reason, the County provides no further response to this comment.

**O-6-2** To the extent the comment addresses the adequacy of the Multiple Species Conservation Plan (MSCP) adopted in 1997, that document is not currently under review. As a result, the MSCP-related comments are not germane to this DEIR. The County also disagrees that the proposed Project and this DEIR must assume the responsibility of developing a “regional” response to the conservation issues relating to QCB. As noted in the comment, QCB is not a “Covered Species” under the MSCP, and project-specific direct, indirect, and cumulative effects must be assessed. The DEIR analyzes the Project’s specific and cumulative effects on the species in Section 2.3 of the DEIR as the following: “Mitigation for direct impacts to Quino checkerspot butterfly individuals requires development and implementation of a long-term QCB Management/Enhancement Plan until such time that the Quino Amendment to the MSCP is approved or individual take is authorized through either the Section 7 Consultation process or a Section 10 Incidental Take permit is issued.” This analysis is based on the following from Section 2.3 of the DEIR: “A total of 127 individual Quino checkerspot butterflies were recorded over 4 years of surveys on the Project site. The species was observed most frequently along ridgelines and hilltops in the northern and eastern portions of the Project site. Twenty of the 127 total observation locations would be permanently impacted by the Project, which is approximately 16% of the total number of individuals observed onsite during 4 years of surveys.” In addition, a survey was conducted in 2016 and the Biological Resources Technical Report has been revised to include the new data. These surveys were conducted per the notification and protocol agreed to with the USFWS and also included host plant mapping based on density analysis of the host plant. Host plant surveys in 2016 resulted in the observation of five larvae and focused surveys resulted in the observation of 18 adult individuals. Observations were concentrated on the ridgeline/plateau in the northeastern corner of the site.

The County acknowledges input from the scientists who have commented on the DEIR’s assessment of Project impacts on the QCB but disagrees that the DEIR’s analysis of such impacts is substandard or inadequate under CEQA. See Responses to Comments O-17-3 and A-1-9 for further information regarding cumulative impacts and regional planning. While the County agrees that the population of the butterfly has not shown the recovery that was anticipated to take place in 2016, the weather conditions did not provide the rainfall and drought recovery. Butterflies were observed at the Project site, and very few were observed elsewhere. Unfortunately, several areas, particularly the area south of the Project and the San Diego National Wildlife Refuge property that is east and north, were not surveyed. Without a comprehensive population evaluation within the region, it is not feasible to conclude that the population will collapse.

**O-6-3** The comment recommends that the County “establish its own quino review” for this Project. This is not the County’s role and practice as a CEQA lead agency. The County has conducted its own, independent review of the Project’s impacts on QCB. No additional review by a special

subcommittee of the County is required to address this issue. Likewise, through this EIR, the County is pursuing an independent review of impacts to golden eagle. See Response to Comment O-17-4 regarding an independent analysis of the QCB. See Global Response 2: Golden Eagle.

- O-6-4** See Response to Comment O-17-2 for a discussion of wildlife corridors within the proposed Project area. The commenter states that due to the Project, a “mapped regional wildlife corridor” will “lose function and values.” The comment, however, does not identify what functions or values would be compromised. As explained in the DEIR (2015), the R2 regional linkage will be preserved with a slightly different configuration within the MSCP Preserve. There is no evidence that the new configuration would result in any loss of function or value or would cause any other adverse impact on species. On the contrary, the evidence indicates that the linkage values of R2 will remain intact.

Specifically, Section 3.5.3 of the Biological Resources Technical Report assessed in detail the previous wildlife movement studies conducted by Ogden. The Biological Resources Technical Report also evaluated the specific species that rely most heavily on the corridors in question, including the R2 linkage and other regional or local corridors. The Biological Resources Technical Report identifies the location and focal species for the various linkages. For example, with respect to the R2 linkage, the Biological Resources Technical Report states that the following:

“Based on the discussion provided by Ogden (1992b), the general area may function to convey large and small mammals. Evidence of this is provided in the study due to observation of bobcat, mule deer, and mountain lion sign. These species may use the path of least resistance, which in this document is assumed to be the drainage that is located within the eastern portion of the site.

However, wildlife will also likely use ridgelines and the numerous dirt roads that are on site depending on time of day. It is unlikely that this R2 linkage functions specifically for winged species, such as coastal California gnatcatcher or Quino checkerspot butterfly, since these species would be able to move freely over the entire site. In general, the entire area currently functions as a block of habitat and is not constrained to only function as a wildlife corridor between two larger blocks; therefore, the designation of a specific linkage was premature.”

The original R2 linkage is depicted as having complete movement across the existing Otay Lakes Road. This linkage currently does not provide any means for wildlife to cross the road safely. The Project would improve this situation by providing wildlife culverts that are sized for the species listed above and placed in appropriate locations, as approved by the Wildlife Agencies. Thus, the linkage will allow wildlife to move from north of the property, along ridgelines and drainages, to the south with available passage under the internal road, with final passage under Otay Lakes Road to offsite Cornerstone Lands. The location, dimensions, and construction details for all of the proposed wildlife culverts were coordinated based on the literature and the Wildlife Agencies, as discussed in Section 5.1.6 of the Biological Resources Technical Report.

- O-6-5** The County disagrees that the records and observations of QCB are “simply a snapshot in time” as noted by the commenter. There have been multiple surveys for QCB over the past number of years from 1999 to 2008 and new surveys were recently conducted for the entire site in 2016. The Biological Resources Technical Report has been revised to include the results of the new surveys. These surveys were conducted per the notification and protocol agreed to with the USFWS and also included host plant mapping based on density analysis of the host plant. Host plant surveys in 2016 resulted in the observation of five larvae and focused surveys resulted in the observation of 18 adult individuals. Observations were concentrated on the ridgeline/plateau in the

northeastern corner of the site. The multiple years of surveys documented the presence of the species on the ridgelines and hilltops that the proposed Boundary Adjustment would move into the MHPA preserve. Without the Boundary Adjustment, these areas—which have been documented to contain host plant and the habitat features required by QCB—would not be included in the preserve. The applicant and the County have worked cooperatively with the Wildlife Agencies to redesign the Project to preserve live-in habitat that will support continued presence of QCB in this part of the County.

The Project's indirect effects or edge effects on QCB are addressed by the following mitigation measures:

- M-BI-1a, which requires the conveyance of the proposed preserve lands and the formation of a Community Facilities District to provide funding for the management and maintenance of the preserve by the Preserve Owner Manager or its designee;
- M-BI-1e, which requires a Limited Building Zone to provide protection of the sensitive biological resources within the adjacent preserve; and
- M-BI-1f, which requires fencing to protect the preserve from entry by humans and preparation of the Otay Ranch Resort Village Preserve Edge Plan.

As the commenter notes, the Preston et al. (2012) publication documents varying environmental attributes at both extinct and extant populations of QCB. However, the paper depicts the correlation of extinction of the butterfly relative to agricultural history, human population growth (not the overlay of land use or proximity to development areas), climate variability, topographical diversity, and wildflower abundance. It does not state that QCB extinction is correlated to development within 1 kilometer of QCB habitat, as suggested by the commenter. Please also see Global Response R4: Quino Checkerspot Butterfly.

**O-6-6** The County disagrees with the commenter's assertion that the proposed Project will alter existing stream channels due to seepage and runoff. As discussed in mitigation measure MM-BIO-14, the proposed Project will incorporate measures to minimize hydrological changes. Specifically, MM-BIO-14 states: "Design of drainage facilities shall incorporate long-term control of pollutants and stormwater flow to minimize pollution and hydrologic changes. An Urban Runoff Plan and operational BMPs shall be approved by the San Diego County Department of Planning and Development Services prior to construction." This mitigation measure will ensure that the Project does not alter the moisture gradient at the site. For this reason, the Project is not expected to result in a proliferation of Argentine ants; nor will the Project increase Argentine ant penetration into natural habitat areas. However, to acknowledge the potential for Argentine ants, Section 5.2.1 of the Biological Resources Technical Report (Appendix C-3), Vegetation Communities, has been revised with the following statement: "Altered hydrology can allow for the establishment of non-native plants and/or invasion by Argentine ants (*Linepithema humile*), which can compete with native ant species that could be seed dispersers or plant pollinators." This is addressed by both MM-BIO-1g, which requires a management entity and the requirement of the preparation of an edge plan as included in the project description: "Protection of Preserve lands is addressed in the Otay Ranch Resort Village Preserve Edge Plan."

**O-6-7** For purposes of this response, the County assumes that the comment's reference to "night-foraging woodrat" was intended to mean "San Diego desert woodrat," which is the only special-status woodrat with potential to occur on the Project site. As discussed in Section 6 of the Biological Resources Technical Report, the Project will implement MM-BIO-1e (Limited Building Zone [LBZ] Easement) to control lighting impacts: "In order to protect sensitive

biological resources in the adjacent preserve, a Limited Building zone (LBZ) easement will be granted to the County, as shown on the Tentative Map. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the preserve, restrict unauthorized access, prohibit landscaping with exotic pest plants that may invade the preserve, and prohibit artificial lighting and focal use areas that would alter wildlife behavior in the preserve. This easement requires the landowner to maintain permanent fencing and signage. The easement precludes (1) placement, installation, or construction of habitable structures, including garages or accessory structures designed or intended for occupancy by humans or animals, (2) landscaping with exotic pest plants, (3) artificial lighting except low-pressure sodium fixtures shielded and directed away from the preserve, (4) focal use areas including arenas, pools, and patios."

- O-6-8** See Global Response 2: Golden Eagle. See Responses to Comments A-1-12, A-1-13, A-1-14, and A-1-27.
- O-6-9** See Global Response 2: Golden Eagle. See Responses to Comments A-1-12, A-1-13, and A-1-14. The comment's characterization of the San Miguel pair of golden eagles as "recovering" is not supported by evidence. The nest in question, along with its rock platform, was destroyed in the 2007 Harris Fire and has never been reestablished. Although the USFWS and BLM have installed an artificial nesting platform near this location in hopes of encouraging eagles to nest there, no eagles have done so. Further, while a study of regional eagle populations is a worthy endeavor, it is beyond the scope of this EIR.
- O-6-10** See Global Response 2: Golden Eagle. See Responses to Comments A-1-12, A-1-13, A-1-14, and O-6-9.
- O-6-11** See Global Response 2: Golden Eagle. See Responses to Comments A-1-12, A-1-13, and A-1-14. The County agrees that the loss of one or two pairs of golden eagles would be highly undesirable. As pointed out in the MSCP: "Local populations [of golden eagle] are not critical to, and the plan will not adversely affect, the species' long-term survival" (MSCP, page 3-76). In its Biological Opinion for the MSCP, the USFWS issued a similar sentiment, stating that the range of the golden eagle "occur[s] outside the County subarea" and that, as a result, "the effects to [the] species which are expected to result from the County Subarea Plan are not significant to the species' long-term survival" (USFWS Biological Opinion, page 60)." More importantly, there is no evidence that the proposed Project will cause or contribute to the loss of *any* golden eagle pairs or individuals or result in a violation of the MSCP Conditions of Coverage. Finally, because the golden eagle is a Covered Species under the MSCP, there is no need for a separate "take" permit under the Bald and Golden Eagle Protection Act. One of the main purposes of the MSCP is to eliminate the need for such permits.
- O-6-12** See Response to Comment A-1-7.
- O-6-13** The comment provides conclusionary information and does not comment on the DEIR. For that reason, the County provides no further response to this comment.